

Ryan Watstein
 Ryan@wtlaw.com
 404-782-0695

May 30, 2025

VIA ECF

Hon. Edgardo Ramos
 U.S. District Court for the Southern District of New York
 40 Foley Square
 Courtroom 619
 New York, NY 10007

Re: *Brous v. Eligo Energy, LLC*, 24 Civ. 1260

Joint Motion to Seal Limited Portions of Plaintiffs' Responses to Defendants' Letter Motion for Protective Order and Supporting Exhibits (ECF Nos. 213, 219)

Dear Judge Ramos:

We write regarding the provisionally sealed portions of Plaintiffs' response and supplemental response to Defendants' letter motion for protective order and their supporting exhibits (ECF Nos. 213, 219). Defendants have now had the opportunity to review the provisionally sealed information and contend that only the below information should remain sealed:

ECF Nos. (Title)	Confidentiality Designation	Basis for Sealing
213 (Response to Letter Motion for Protective Order)	<p>The last sentence of the "Relevant Background" section about the Groove acronym.</p> <p>The sentences preceding the citations to Exhibits A and C in the "Co-Founder Mark Friedgan" section.</p> <p>The sentences preceding the citations to Exhibits A and G in the "Former</p>	Information about Defendants' machine learning model and the data Defendants use to set variable rates, which is of a highly commercially- and competitively-sensitive nature.

Atlanta

1055 Howell Mill Road, 8th Floor
 Atlanta, GA 30318

Los Angeles

515 S. Flower Street, 19th Floor
 Los Angeles, CA 90071

Miami

218 NW 24th Street, 3rd Floor
 Miami, FL 33127



	CEO and Co-Founder Alex Goldstein” section.	
213-1 (Exhibit A to Response to Letter Motion for Protective Order)	Entire Document – Slack chat about Groove model	Information about Defendants’ machine learning model used to set variable rates, which is of a highly commercially- and competitively-sensitive nature.
213-2 (Exhibit B to Response to Letter Motion for Protective Order)	Entire Document – Defendants’ Risk Policies and Procedures	Information about the data Defendants use to set variable rates, their internal operating policies and procedures, and their hedging strategies and limits, which is of a highly commercially- and competitively-sensitive nature.
213-3 (Exhibit C to Response to Letter Motion for Protective Order)	Entire Document – Slack chat about Groove model	Information about Defendants’ machine learning model used to set variable rates, which is of a highly commercially- and competitively-sensitive nature.
213-5 (Exhibit E to Response to Letter Motion for Protective Order)	Entire Document – Slack chat about rate setting and draft risk policy	Information about the data Defendants use to set variable rates, which is of a highly commercially- and competitively-sensitive nature.
213-7 (Exhibit G to Response to Letter Motion for Protective Order)	Entire Document – Email about rate setting and Groove model	Information about Defendants’ machine learning model and the data Defendants use to set variable rates, which is of a highly commercially- and competitively-sensitive nature.
219-1 (Exhibit I to Supplemental Response to Letter Motion for Protective Order)	Entire Document – Spreadsheet about changing task assignments after business deal with third party	Information about Defendants’ internal operations, reporting, hedging, and rate setting, which is of a highly commercially- and competitively-sensitive nature.
219-2 (Exhibit J to Supplemental Response to Letter Motion)	Entire Document – Slack chat about rate setting and Groove model	Information about Defendants’ machine learning model and the data Defendants use to set variable rates, which is of a highly commercially- and competitively-sensitive nature.

for Protective Order)		
-----------------------	--	--

Allowing such information to be kept under seal will serve the interests of justice because it is non-public, proprietary, and highly sensitive commercial information, the public disclosure of which could reasonably be expected to injure Defendants. *See, e.g., GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649-50 (S.D.N.Y. 2011) (sealing documents “contain[ing] highly proprietary material concerning the defendants’ marketing strategies, product development, costs and budgeting”); *In re Zyprexa Injunction*, 474 F. Supp. 2d 385, 424-25 (E.D.N.Y. 2007) (allowing for sealing of “confidential proprietary material and trade secrets” that posed “a significant risk of harm” to company operating in a competitive marketplace). Acknowledging this, the Court has already permitted the sealing of similar information in Defendants’ previous motions to seal. *See, e.g.*, ECF Nos. 109, 178-80, 196, 203.

Defendants thus ask that the information from the confidential testimony identified in the chart above be sealed for the duration set forth in the Protective Order. ECF No. 38 (“This Protective Order shall survive the termination of the litigation.”). The remaining provisionally sealed information in Plaintiffs’ response and supplemental response to Defendants’ letter motion for protective order (ECF Nos. 213, 219) should be publicly filed. Plaintiffs do not oppose this request.

Respectfully,

/s/ Ryan Watstein
Ryan Watstein